

## REMARKS

Applicant respectfully requests entry of this Amendment, reconsideration of this application as amended, and reconsideration of the Office Action dated March 9, 2009.

### **I. General Comments Regarding the Content of this Amendment**

Upon entry of this Amendment, claims 1-3, 7-20, 23-35, 38-46, and 49-51 will be pending in this application. Through this Amendment, Applicant has amended the independent claims to recite that the input is received in the devices and methods according to this invention via an input device including a first depressable button, a second depressable button, and a third depressable button, wherein the first depressable button allows for selection of a mode of operation including at least a chronographic mode for operating the chronograph and a data mode for inputting at least the distance, wherein the second depressable button functions in the chronographic mode to start measurement of the elapsed time by the chronograph and in the data mode for incrementing a value in a selected data field, and wherein the third depressable button functions in the chronographic mode to stop measurement of the elapsed time by the chronograph and in the data mode for decrementing the value in the selected data field. Support for these changes may be found, for example, in the original application at Paragraphs 18-28 and in original Figs. 2A through 2G. Other claim amendments are made based on the changes to the independent claims. Original claims 4-6, 21, 22, 36, 37, 47, and 48 are canceled by this Amendment without prejudice or disclaimer (and some of the subject matter of these claims has been incorporated into their respective independent claims). Accordingly, no new matter is included in this Amendment, and no additional claim fees are due as a result of this Amendment.

Applicant makes the above-noted claim changes without prejudice or disclaimer. While Applicant does not necessarily agree with or acquiesce in the various grounds of rejection raised with respect to any claims in this application, in order to expedite prosecution and to facilitate the immediate allowance of this application, Applicant makes the above-noted claim changes in the present application. Applicant reserves all rights to pursue claims of the same or similar scope to the original and/or canceled claims in this application, *e.g.*, in a continuing application.

### **II. The Claim Objections Should be Withdrawn**

In the March 9, 2009, Office Action, the Examiner objected to claim 5 asserting that the term “the input device” did not have adequate antecedent basis. *See* the March 9, 2009, Office Action at p. 2. Because claim 5 has been canceled by this Amendment, this objection is moot.

With regard to the objection to claims 23-26 (*see* the March 9, 2009, Office Action at p. 2), Applicant has amended these claims to depend from independent claim 13, thereby eliminating this ground for objection. Applicant requests that the Office withdraw the objections to claims 23-26.

### **III. Applicant's Claims Patentably Distinguish from the Cited Art**

In the March 9, 2009, Office Action, the Office rejected Applicant's claims based on the newly cited Knepper patent (U.S. Patent No. 6,212,469, hereinafter "Knepper"), either alone or in combination with one or more of Pennington (U.S. Patent No. 6,414,907, hereinafter "Pennington"), Fishman (U.S. Patent No. 5,771,399, hereinafter "Fishman"), and Thinesen (U.S. Patent No. 5,050,141, hereinafter "Thinesen"). *See* the March 9, 2009, Office Action at pp. 3-11. Applicant respectfully traverses these rejections and requests reconsideration.

Through this Amendment, Applicant has amended independent claim 1 to recite a device for calculating a pace that includes: (a) a chronograph for measuring an elapsed time; (b) a distance memory containing a distance; (c) a pace calculation system which calculates the pace by dividing the distance contained in the distance memory by the elapsed time provided by the chronograph; and (d) an input device including a first depressable button, a second depressable button, and a third depressable button, wherein the input device allows a user to input the distance into the distance memory. The claim further recites that the first depressable button allows for selection of a mode of operation including at least a chronographic mode for operating the chronograph and a data mode for inputting at least the distance. The second depressable button, as recited in amended claim 1, functions in the chronographic mode to start measurement of the elapsed time by the chronograph and in the data mode for incrementing a value in a selected data field. Amended claim 1 further recites that the third depressable button functions in the chronographic mode to stop measurement of the elapsed time by the chronograph and in the data mode for decrementing the value in the selected data field.

Similarly, through this Amendment, Applicant has amended independent method claims 13, 27, and 41 to recite that the pace calculation method receives input relating to the distance into a distance memory via an input device that includes a first depressable button, a second depressable button, and a third depressable button, wherein the first depressable button allows for selection of a mode of operation including at least a chronographic mode for operating a chronograph and a data mode for inputting at least the distance. These independent claims

further recite that the second depressable button functions in the data mode for incrementing a value in a selected data field, and the third depressable button functions in the data mode for decrementing the value in the selected data field. Furthermore, these independent claims recite that when the chronographic mode of operation is selected, the second depressable button functions to start measurement of the elapsed time by the chronograph and the third depressable button functions to stop measurement of the elapsed time by the chronograph.

Applicant respectfully submits that the cited Knepper, Pennington, Fishman, and Thinesen patents fail to disclose or suggest the pace calculation systems and methods including an input device that functions in selectable chronographic and data modes using depressable buttons in the manner recited in these amended claims. Accordingly, Applicant respectfully submits that the present claims patentably distinguish from Knepper, Pennington, Fishman, and Thinesen, whether considered alone or in any combination. Withdrawal of the rejections and allowance of claims 1-3, 7-20, 23-35, 38-46, and 49-51 are earnestly solicited.

#### **IV. Conclusion**

As noted above, Applicant requests a three (3) month extension of the time period for responding to the outstanding Office Action in this application. The fee for this extension of time may be charged to our Deposit Account No. 19-0733. If any additional fees are required to allow entry and consideration of this Amendment and are not accounted for in the documents submitted with this Amendment, such as fees under 37 C.F.R. §§ 1.16 or 1.17, the Commissioner is authorized to debit our Deposit Account No. 19-0733 for any necessary fees, including any necessary extension fees or claim fees.

All issues having been addressed, Applicant respectfully requests reconsideration and allowance of this application.

Respectfully submitted,

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